

# **EXHIBIT QQ**

## **Statement of Kay Taylor**

AT 1950 HRS ON 12/16/03 2256 AND I WERE ADVISED BY 2253 THAT BRIAN KELLEY WAS LYING ON THE DAYROOM FLOOR IN B-BLOCK. WE HURRIED BACK TO B-BLOCK AND DID FIND KELLEY ON THE FLOOR IN WATER FROM THE MOP BUCKET BEING KNOCKED OVER. HE ADVISED HE HAD HAD A SEIZURE AND FALLEN OVER THE BUCKET AND KNOCKED IT OVER. WHEN ASKED IF HE WAS HURT, HE SAID HE HAD HIT HIS HEAD ON THE FLOOR AND HIS EYE WAS SWOLLEN. THERE WAS NO SWELLING, BRUISING OR REDNESS WHERE HE SAID HE HAD HIT. KELLEY WAS VERY RESPONSIVE, ANSWERING OUR QUESTIONS. HE THEN ADVISED HIS BACK WAS HURT AND HE HAD NUMBNESS IN ONE LEG. AT THAT POINT I DECIDED NOT TO MOVE HIM BUT TO CALL MEDICAL PERSONNEL. I LEFT AND CALLED EMS2 AT 1955. THEY ARRIVED HERE AT 2005 AND EXAMINED HIM. HIS BLOOD PRESSURE WAS NORMAL AND DID NOT INDICATE HE HAD HAD A SEIZURE. AFTER CHECKING HIM OUT FURTHER, EMS FINALLY PUT KELLEY ON A BACKBOARD AND WHEELED HIM TO THE BOOKING AREA. THEY ADVISED US TO PLACE KELLEY UNDER MEDICAL OBSERVATION. KELLEY WAS PUT INTO THE HOLDING CELL WITH A MATTRESS ON THE FLOOR. EMS2 LEFT AT 2054. KELLEY WAS CONTINUALLY OBSERVED BY CAMERA AND CHECKED ON IN PERSON FOR THE REMAINDER OF THE SHIFT. HE GOT UP FROM THE FLOOR NUMEROUS TIMES, WALKED TO THE DOOR AND AROUND THE CELL, STRETCHED HIS ARMS UP AND TRIED TO TOUCH THE CEILING LIGHT, AND AT ONE POINT PICKED UP HIS MATTRESS AND PLACED IT ON THE BENCH. HE DID NOT SHOW ANY DIFFICULTY IN MOVEMENT NOR WAS THERE ANYTHING TO INDICATE THAT HE WAS EXPERIENCING ANY PAIN.

Kay Taylor  
Cpl. Kay Taylor

TW

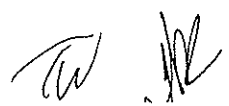
## **EXHIBIT RR**

**Statement of Dana Harris dated  
12/16/03**

IN REF TO BRIAN KELLEY  
12-16-03  
NIGHTSHIFT

I WAS IN THE TOWER. AT APPROX. 1949HRS I HEARD A LOUD NOISE COME FROM B-BLOCK. I GOT UP TO SEE WHAT THE NOISE WAS AND I OBSERVED BRIAN KELLEY FLOPPING AROUND ON THE FLOOR. THE MOP BUCKET WAS TURNED OVER AND WATER WAS ALL ON THE FLOOR ALONG THE WALL JOINING A AND B BLOCK. THERE WAS NOT MUCH WATER ON THE FLOOR WHERE KELLEY WAS LAYING. I CALLED OVER THE RADIO TWO OR THREE TIMES FOR SOMEONE TO COME BACK HERE TO CHECK ON HIM. WHEN 2256 AND 2252 CAME BACK TO CHECK ON HIM, HE WAS STILL FLOPPING BUT NOT AS MUCH. 2252 CAME TO THE TOWER AND I WENT DOWNSTAIRS. I ATTEMPTED TO CHECK HIS B/P. HE ASKED WHICH DEPUTY WAS GOING TO TAKE HIM TO THE HOSPITAL. I ADVISED KELLEY THAT I HAD ALREADY MADE THE DEPUTY AWARE THAT HE MAY BE GOING TO THE HOSPITAL. AT THAT TIME KELLEY ASKED WHICH DEPUTY AND I TOLD HIM THAT WE ONLY HAD ONE OUT AND IT WAS DEPUTY RUDD. KELLEY MADE COMMENTS ABOUT HIS HEAD AND BACK HURTING. WHEN KELLEY WAS PLACED IN THE HOLDING CELL, AFTER THE DOOR WAS CLOSED, I WATCHED HIM GET UP AND WALK AROUND. I DID NOT NOTICE ANY LIMPING OR STAGGERING IN HIS MOVEMENT.

  
Dana M. Harris



## **EXHIBIT SS**

### **Statement of Aaron Green**

2256 C.O. GREEN

REPORT OF INCIDENT CONCERNING KELLY BRYAN

AT APROXIMATELY 19:50HRS. I 2256 RECEIVE A CALL ON THE W.T. ABOUT KELLEY TAKING A FALL IN B'BLOCK. WHEN I ENTERED THE BLOCK KELLEY WAS LYING ON HIS SIDE CLOSE TO THE DOOR TWITCHING. I FIRST CHECKED VISUALLY TO SEE IF HE WAS BREATHING UPON DOING SO HE LICKED HIS LIPS SO I KNEW HE HADN'T SWALLOWED HIS TONGUE. THEN I PRECEDED TO CHECK HIS EYES WHEN I PULLED HIS EYE OPEN HE LOOKED AT ME AND THEN STARTED TO LOOK UP AS IF TO HIS FOREHEAD. KELLEY WAS RESPONDED TO ME VIRBALLY WHEN I ATTEMPTED TO STRAIGHTEN HIS BODY POSITION BY SUPORTING HIS CHEST HAD BACK TO RELEIVE ANY STRAIN HE MY HAVE BEEN IN. HE TOLD ME HE WAS HURTING IN HIS BACK AND RIGHT LEG SO I LEFT HIM AS HE WAS UNTIL THE EMT'S WERE HERE TO STABILIZE HIM. WHILE WE WERE WAITING ON MEDICAL ATTENTION HE ASK WHO WAS COMING AND WHAT DEPUTY WAS ON DUTY. I TOLD HIM I DIDN'T KNOW BUT THE EMT'S WERE ON THE WAY. SHORTLY AFTER THE EMT'S AND A FIRST RESPONDER ARRIVED AFTER THEIR CHECK OF VITALS THEY MOVED HIM FROM THE BLOCK TO THE BOOKING AREA. THE SGT. HAD BEEN CONTACTED AND ADVISED OF THE SITUATION. AT THIS TIME KELLEY WAS PLACED IN THE HOLDING CELL WHERE I PLACED A MAT AND CLEAN LINENS,

Aaron Green

Aaron Green

## **EXHIBIT TT**

**Statement of Wendy Roberson dated  
12/11/03**

# Inmate Summary

**Date: 12/11/03**

**Inmate: Daniel Bryan Kelley**

**Report Written By: Sgt. Wendy Roberson**

On 12/09/03 at approximately 18:10 hrs, inmates in B Block advised that inmate Bryan Kelley had fallen down the stairs. Tower guard C.O. Jerry Kelly advised Cpl. Dewayne Harris that B Block had an injured inmate. Cpl. Harris reported to B Block to assist inmate Kelley. After evaluating inmate Kelley's medical condition and injuries, Cpl. Harris advised C.O. Kelly to dispatch EMS and First Responders to the jail.

EMS and First Responders arrived at the jail. After examining inmate Kelley, the decision was made by EMT's and Cpl. Harris that inmate Kelley needed to be transported to the hospital for a more thorough evaluation.

Inmate Kelley was transported to Russell ER by ambulance. After an examination by a medical doctor, it was determined that inmate Kelley had no injuries. Inmate Kelley was administered ibuprofen at the hospital for pain and discharged with no further instructions for his care.

Inmate Kelley was placed up front in holding for the remainder of the night for medical observation with no further incidence.

It was determined that inmate Kelley's housing would be changed to a ground level cell to avoid any further complications with the stairs in B Block. When returned to B Block, inmate Kelley's housing was changed to B-103.



## **EXHIBIT UU**

**Statement of Brett Oakes dated  
01/23/04**

January 23, 2004

Statement in regards to Bryan Kelly.

On Friday January 16, 2004 I was scheduled for duty. That morning I was in the booking area and noticed the door to the holding cell was open. This was the cell that Inmate Bryan Kelly was being held for medical observations. I stepped to the door and looked in. The cell was neat and clean. Cpl. Steve Hay was there and I asked him if Inmate Kelly was in the back taking a shower. This was common and routine for Inmate Kelly to be taken to one of the cell block every morning to give him the opportunity to shower and clean up. I commented to Cpl. Hay that Inmate Kelly kept his cell clean and he agreed.

I was in my office around 1415 to 1420. Lt. Terry Wilson was off that day but was at the office also. He received a call from Corrections Officer Aaron Green in reference to Inmate Kelly. Lt. Wilson told me after his phone conversation with C.O. Green that Green reported that he felt that Inmate Kelly needed to be looked at because as he put it, Inmate Kelly was as yellow as a post it note.

Lt. Wilson and myself went to the booking area of the jail where Inmate Kelly was being held in the holding cell. We got Inmate Kelly out of the holding cell and escorted him into the exam room. He had a yellow tone to his skin and a yellow color in the whites of his eyes. Inmate Kelly sat down and we asked him how he was doing and how he felt. Inmate Kelly told us that he was real weak and that he slept all of the time. We told Inmate Kelly our concerns about him and he stated that he had had liver problems in the past and that for the past few days he had been urinating a real dark color yellow.

Inmate Kelly was escorted back to the holding cell and told to get his shoes on and to get ready to go to the E.R. He showed me a dark yellow stain on the floor near the toilet and stated that that was the color he had been urinating. That stain was not there earlier that morning when I looked in the holding cell.

A copy of Inmate Kelly's medical sheet was acquired. This sheet showed his doctor visits and medical problems that he has had since being in jail. This sheet also has all of his medication and dosages.

Inmate Kelly was escorted to my patrol car around 1432 and transported to Russell E.R. where we arrived around 1447. Within 2 to 3 minutes, Inmate Kelly was taken to triage. He was soon taken to a room and seen by a nurse. I believe the emergency room doctors name that day was Dr. Williams and she came and examined Inmate Kelly within 10 minutes. She ordered some test and I got the feeling that she was really concerned about him. Blood was taken and an I.V. was started.

The nurse came in later with a urine bottle and asked Inmate Kelly if he could give her a urine sample. He did so and I notified the nurse. Inmate Kelly's urine sample was very dark. When the nurse came and got the sample I followed her back to the nurses station and asked the Doctor if she was going to keep him. She said that they were, that he was very sick and that they were going to admit him to the unit.

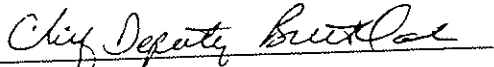
I called Cpl. Tim Lipscomb at the jail and asked him to notify Lt. Wilson and Sheriff Owens about the situation. Cpl. Lipscomb later called me and told me that Sheriff Owens was talking to Judge Rodchester and with Inmate Kelly's attorney.

Approximately an hour later Cpl. Lipscomb called me and told me that he had a copy of an order from Judge Rodchester giving Inmate Kelly a temporary furlough. Cpl. Lipscomb was given the fax number to the E.R. and he faxed a copy their.

The faxed copy was given to the nurse who contacted the nursing supervisor and she was informed. The supervisor reviewed their policy and contacted someone from administration who came down and looked at the order. She determined that their policy would not be affected because Inmate Kelly would not be in custody at that point.

A copy of the order was given to Inmate Kelly and he was instructed that he was being temporarily furloughed and that when he was released he and his attorney had to report to the judge's office to determine his status at that point.

I left the Russell E.R. at approximately 1725.



Brett Oakes  
Chief Deputy  
Coosa County